

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SKATTEFORVALTNINGEN,

Plaintiff,

vs.

JOHN VAN MERKENSTEIJN, RICHARD
MARKOWITZ, BERNINA PENSION PLAN
TRUST, RJM CAPITAL PENSION PLAN
TRUST, 2321 CAPITAL PENSION PLAN,
BOWLINE MANAGEMENT PENSION PLAN,
CALIFORNIA CATALOG COMPANY
PENSION PLAN, DAVIN INVESTMENTS
PENSION PLAN, DELVIAN LLC PENSION
PLAN, DFL INVESTMENTS PENSION PLAN,
LAEGELER ASSET MANAGEMENT PENSION
PLAN, LION ADVISORY INC. PENSION
PLAN, MILL RIVER CAPITAL
MANAGEMENT PENSION PLAN, NEXT
LEVEL PENSION PLAN, RAJAN
INVESTMENTS LLC PENSION PLAN, SPIRIT
ON THE WATER PENSION PLAN, and
TRADEN INVESTMENTS PENSION PLAN,

Defendants.

Case No. 19-cv-10713 (LAK)

**DEFENDANTS JOHN VAN MERKENSTEIJN, RICHARD MARKOWITZ, BERNINA
PENSION PLAN TRUST, AND RJM CAPITAL PENSION PLAN TRUST’S MOTION
FOR SUMMARY JUDGMENT**

Defendants John Van Merkensteijn, Richard Markowitz, Bernina Pension Plan Trust, and RJM Capital Pension Plan Trust (collectively, “Defendants”) move the Court for summary judgment on all Counts (Counts I-VI) of the Amended Complaint brought by Plaintiff Skatteforvaltningen (“SKAT”) in this case (Dkt. 58). The grounds for this motion are set forth in Defendants’ Memorandum in Support of this Motion, Local Rule 56.1 Statement of Undisputed Material Facts, and Declaration of Alan E. Schoenfeld and attached exhibits. Defendants are

entitled to summary judgment on all Counts because this lawsuit was untimely filed pursuant to the Statute of Limitation period set forth in the Tolling Agreement that SKAT bargained for, executed, and repeatedly renewed.

REQUEST FOR ORAL ARGUMENT

Defendants respectfully request that the Court hold oral argument on this Motion.

Dated: May 10, 2024
New York, New York

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CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2024 the foregoing document was served electronically to all parties of record by the CM/ECF system.

/s/ Alan E. Schoenfeld
Alan E. Schoenfeld

May 10, 2024